

1631



PATENT
Attorney Docket 44921-5038

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Donna L. Mendrick et al.**

Application No. 09/917,800

Filed: **July 31, 2001**

For: **Molecular Toxicology Modeling Genes**

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Group Art Unit: 1631

Examiner: **Cheyne D. Ly**

TECH CENTER 1600/2900

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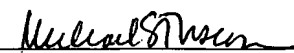
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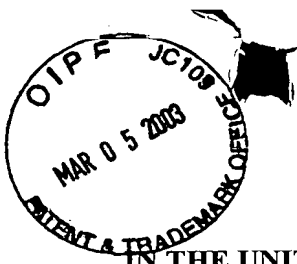
TRANSMITTAL FORM

1. Transmitted herewith is a Response to Restriction Requirement responding to the Office Action dated February 5, 2003 (Paper No. 11).
2. Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply. Applicants do not believe an extension of time is required. However, if Applicants have inadvertently overlooked the need for an extension of time, please consider this a petition therefor. The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.
3. Constructive Petition: **Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).
4. Other Documents:
 - i) Supplemental Information Disclosure Statement
 - ii) PTO Form 1449 (listing two references)
 - iii) hard copy of references listed (2)

Dated: **March 5, 2003**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202-739-3000

Respectfully submitted,
Morgan, Lewis & Bockius LLP


Michael S. Tuscan
Registration No. 43,210



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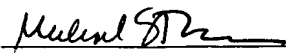
RESPONSE TO RESTRICTION REQUIREMENT UNDER 35 U.S.C. 121

In response to the Restriction Requirement dated February 5, 2003 (Paper No. 11),
Applicants hereby elect Group I, claims 55-89 which are drawn to a method of predicting at least one toxic effect of a compound with traverse. Applicants also elect, with traverse, the species of alpha-naphthylisothiocyanate (ANIT) as the toxin and liver as the tissue. Applicants understand that upon allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species. Claims 55-89 read on the elected species.

Except for issues payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

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